



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 45

An Act to amend various legislative provisions respecting municipal affairs

Introduction

**Introduced by
Madam Nathalie Normandeau
Minister of Municipal Affairs, Regions and
Land Occupancy**

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EXPLANATORY NOTES

This bill introduces various legislative amendments concerning municipal affairs.

It amends the Act respecting land use planning and development, the Cities and Towns Act, the Municipal Code of Québec, the Municipal Powers Act and the Act respecting the exercise of certain municipal powers in certain urban agglomerations in order to make certain adjustments and introduce greater flexibility into the exercise by the municipalities of the powers granted to them.

The bill changes the rules applicable to the awarding of contracts by municipal bodies to bring them into line with the public procurement liberalization agreement between Québec and New Brunswick.

It makes certain amendments to the Act respecting municipal taxation, in particular to the rules for limiting the maximum difference between the taxation rates applicable to different classes of immovables and the rules allowing citizens to pay their municipal taxes in instalments. For certain municipalities, it changes the rules for setting a ceiling on the property taxation rates applicable to non-residential immovables.

The bill amends the Act respecting municipal territorial organization in order to allow the Minister, at the request of a local municipality governed by the Cities and Towns Act, to order that it be governed by the Municipal Code of Québec.

The bill amends the Charter of Ville de Montréal, in particular to facilitate service agreements between the city council and the borough councils. It also makes amendments concerning the Société d'habitation et de développement de Montréal and enables the city to levy regulatory duties.

It amends the Act respecting Northern villages and the Kativik Regional Government, in particular to increase the term of office of municipal officers of northern villages from two to three years and to make the position of vice-chairman a full-time position.

The bill amends the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation to provide that the Cree Regional Authority may enter into an agreement for the establishment and funding of a local development centre for Cree communities.

Lastly, the bill contains various provisions of a more local or a technical nature concerning Ville de Québec, Ville de Longueuil, the Communauté métropolitaine de Québec, the Act respecting the Pension Plan of Elected Municipal Officers, the Fire Safety Act, the Kativik Regional Government, Municipalité des Îles-de-la-Madeleine, Ville de Chandler, Municipalité d'Adstock and Ville de Clermont.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);

- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Fire Safety Act (R.S.Q., chapter S-3.4);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 1202-2001 dated 10 October 2001, concerning the amalgamation of Municipalité d'Adstock and Village de Sainte-Anne-du-Lac;
- Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil.

Bill 45

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

- 1.** Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “IV or VII to XI” in subparagraphs 1 and 3 of the third paragraph by “IV, VII to XI or XIII”.
- 2.** Section 137.2 of the Act is amended by replacing “VII to XI” in subparagraph 2 of the first paragraph by “VII to XI or XIII”.
- 3.** The Act is amended by inserting the following after section 145.41:

“DIVISION XIII

“RESTRICTIONS ON THE ISSUE OF PERMITS OR CERTIFICATES BY REASON OF CERTAIN CONSTRAINTS

“145.42. The council of a municipality that has an advisory planning committee may, by by-law, in any part of the territory divided for the purposes of subparagraph 16 of the second paragraph of section 113 or subparagraph 4 of the second paragraph of section 115, subordinate the issue of a construction or subdivision permit or a certificate of authorization to the production by the applicant of an expert assessment for the purpose of providing the council with information on the relevance of issuing the permit or certificate and on any conditions on which it should be issued given those constraints.

The by-law identifies the constraints and, on the basis in particular of those constraints and the different types of permit and certificate, determines the types of expert assessment required and what each must contain.

Where such a by-law is in force, the council shall render its decision after receiving the opinion of the advisory planning committee. If, in light of the expert assessment produced by the applicant and the committee’s opinion, the council decides to authorize the issue of the permit or certificate, it may, given the applicable constraints, subordinate the issue to any condition, which may in particular apply to the carrying out of work.

“145.43. Despite sections 120, 121 and 122, on presentation of a certified copy of the resolution under which the council authorizes the issue of the permit or certificate, the officer referred to in any of those sections shall issue the permit or certificate if the conditions set out in that section are satisfied, as well as any other condition that must be satisfied under the resolution no later than the time of issue.

An authenticated copy of the resolution that prescribes conditions for the issue of a permit or a certificate must be joined to the permit or certificate issued.”

CHARTER OF VILLE DE LONGUEUIL

4. Section 54.14 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by striking out “of any other municipality mentioned in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and the territory” in the first paragraph;

(2) by striking out the second paragraph.

CHARTER OF VILLE DE MONTRÉAL

5. Section 85 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by striking out the third paragraph.

6. Section 85.1 of the Charter is amended by striking out the second paragraph.

7. The Charter is amended by inserting the following before Chapter V:

“DIVISION IV

“DUES

“151.13. The city may, in its territory, charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction; in the case of a regulatory regime applicable to a power other than an urban agglomeration power, dues may also be charged with the main goal of fostering the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

“151.14. The decision to charge dues is made by a by-law adopted by the regular city council.

The by-law must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

“151.15. The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

“151.16. The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 151.8, with the necessary modifications, or on the basis of residency in the city’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

“151.17. The city may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

“151.18. The Government may prohibit the collection of dues by the city under section 151.13 or impose restrictions on the city with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government may also exempt a person mentioned in paragraphs 1 to 5 of section 151.9 from payment of the dues charged under section 151.13.

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.”

8. Section 133 of Schedule C to the Charter is amended

- (1) by striking out “in short-term” in the first sentence of paragraph 5;

(2) by striking out “on a short-term basis” in the second sentence of that paragraph.

9. Section 224 of Schedule C to the Charter is amended by replacing “body established under this section” in the fourth paragraph by “city”.

10. Section 269 of Schedule C to the Charter is repealed.

11. Schedule D to the Charter is amended by adding the following at the end:

“– Piscine Georges-Vernot”.

CHARTER OF VILLE DE QUÉBEC

12. Section 35.11 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing the second paragraph by the following paragraph:

“Despite the first paragraph, section 123 of that Act applies, with the necessary modifications and subject to sections 35.1 to 35.17 and to the council’s by-laws approved by the enterprise registrar.”

13. Section 31 of Schedule C to the Charter is amended by replacing “at its next meeting, rules on the suspension.” in the first paragraph by “rules on the suspension at its next meeting. In addition, if the suspension concerns an officer or employee not appointed under the authority of the city council, the report required under either of those paragraphs must be made to the executive committee rather than the city council.”

CITIES AND TOWNS ACT

14. Section 29.5 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following paragraph after the first paragraph:

“Despite the Municipal Aid Prohibition Act (chapter I-15), an agreement referred to in the first paragraph may be entered into with the owner of a mobile home park.”

15. Section 99 of the Act is amended by striking out “for short terms” in the second paragraph.

16. Section 107.17 of the Act is amended by replacing “auditor general” wherever it appears in the third paragraph by “chief auditor”.

17. Section 464 of the Act is amended

(1) by adding the following sentence at the end of the fourth paragraph of subparagraph 10 of the first paragraph: “However, the council may exercise the powers provided for in the first and third paragraphs in respect of the

members of the council exclusively provided there are officers or employees of the municipality who also benefit from the same type of insurance contract.”;

(2) by inserting the following subparagraph after subparagraph 10 of the first paragraph:

“(10.1) to enable it to participate, for the benefit of its officers and employees or the members of the council, in the type of insurance contract referred to in the first or third paragraph of subparagraph 10 of the first paragraph, for which the policyholder is the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM); such participation may only cover the members of the council provided there are officers or employees of the municipality who also benefit from the same type of insurance contract; the by-law establishes the rules governing the proportion of the premium paid by the municipality.

The council may exercise the powers provided for in the second, fifth and sixth paragraphs of subparagraph 10 of the first paragraph in respect of a by-law passed under this subparagraph, with the necessary modifications.

The rules governing the awarding of contracts by a municipality apply to a contract referred to in the first paragraph taken out with an insurer by the Union or the Federation.

A municipality may also, in accordance with the first and second paragraphs, participate in a contract already taken out with an insurer by the Union or the Federation if such participation was provided for in the call for tenders made by the Union or the Federation and all tenderers are treated equally;”;

(3) by inserting “, 10.1” after “10” in the second paragraph.

18. Section 474 of the Act is amended by adding the following sentence at the end of subsection 1: “However, during a year in which a general election is held in the municipality, the period is extended until 31 January of the following year.”

19. Section 573 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders for a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

MUNICIPAL CODE OF QUÉBEC

20. Article 14.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following paragraph after the first paragraph:

“Despite the Municipal Aid Prohibition Act (chapter I-15), an agreement referred to in the first paragraph may also be entered into with the owner of a mobile home park.”

21. Article 203 of the Code is amended by striking out “for short terms” in the first paragraph.

22. Article 711 of the Code is amended by adding the following sentence at the end of the first paragraph: “However, the council may exercise the powers provided for in the first and third paragraphs of that article in respect of the members of the council exclusively provided there are officers or employees of the municipality who also benefit from the same type of insurance contract.”

23. The Code is amended by inserting the following article after article 711:

“711.0.1. A municipality may, by by-law, participate, for the benefit of its officers and employees or the members of the council, in the type of insurance contract referred to in the first or third paragraph of article 708, for which the policyholder is the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM). Such participation may only cover the members of the council if there are officers or employees of the municipality who also benefit from the same type of insurance contract. The by-law establishes the rules governing the proportion of the premium paid by the municipality.

The council may exercise the powers provided for in the second and fourth paragraphs of article 708 and the second paragraph of article 711 in respect of a by-law adopted under this article, with the necessary modifications.

The rules governing the awarding of contracts by a municipality apply to a contract referred to in the first paragraph taken out with an insurer by the Union or the Federation.

A municipality may also, in accordance with the first and second paragraphs, participate in a contract already taken out with an insurer by the Union or the Federation if such participation was provided for in the call for tenders made by the Union or the Federation and all tenderers are treated equally.”

24. Article 711.1 of the Code is amended by replacing “and 709” by “, 709, 711 and 711.0.1”.

25. Article 935 of the Code is amended by replacing the third paragraph of subarticle 1 by the following paragraph:

“A call for public tenders for a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

26. Article 954 of the Code is amended by adding the following sentence at the end of subarticle 1: “However, during a year in which a general election is held in the municipality, the period is extended until 31 January of the following year.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

27. Section 108 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper that is circulated in the territory of the Community or a publication specialized in the field and sold mainly in Québec.”

28. Section 189 of the Act is amended

(1) by striking out “short-term” in the first sentence of paragraph 5;

(2) by striking out “on a short-term basis” in the second sentence of that paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

29. Section 101 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper that is circulated in the territory of the Community or a publication specialized in the field and sold mainly in Québec.”

30. Section 151 of the Act is amended by replacing “of Ville de Québec” in the second paragraph by “identified in paragraph 1 of section 4”.

31. Section 179 of the Act is amended

(1) by striking out “short-term” in the first sentence of paragraph 5;

(2) by striking out “on a short-term basis” in the second sentence of that paragraph.

MUNICIPAL POWERS ACT

32. Section 78.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended

(1) by striking out “from a site situated in the territory of the municipality” in subparagraph 1 of the second paragraph;

(2) by adding the following paragraph after the second paragraph:

“For the purposes of this division, “quarry” and “sandpit” have the meanings assigned to “quarry” and “pit”, respectively, by section 1 of the Regulation respecting pits and quarries (R.R.Q., 1981, chapter Q-2, r. 2).”

33. Section 78.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**78.2.** The fund is to be made up of duties payable by each operator of a site referred to in section 78.1. The duties are payable on all the substances referred to in the second paragraph that are transported outside the site, if all or some of the substances are likely to be transported on municipal public roads.”;

(2) by striking out “that are transported from the operator’s site and” in the second paragraph;

(3) by inserting “similar” before “substances from” in the second paragraph.

34. Section 78.5 of the Act is amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) whether the substances from the site on which duties are payable under section 78.2 are likely to be transported on municipal public roads during the period covered by the declaration;

“(2) the quantity of substances on which duties are payable under section 78.2, expressed in metric tons or cubic metres, transported outside the site during the period covered by the declaration.”;

(2) by striking out “from the operator’s site” in the second paragraph;

(3) by adding the following paragraph after the second paragraph:

“However, an operator may not be exempted on the ground that the substances are transported outside the operator’s site, without using municipal public roads, towards a distribution, storage or processing site if that site is neither a quarry nor a sandpit and its operation is likely to entail the transportation on municipal public roads of all or some of the substances, whether or not they are processed on the site. This paragraph does not apply where the substances are transported to the site for processing in an immovable that is part of a unit of assessment listed under the heading “2-3—INDUSTRIES MANUFACTURIÈRES”, but not the headings “3650 Industrie du béton préparé” and “3791 Industrie de la fabrication de béton bitumineux” mentioned in the third paragraph of section 78.2.”

35. The Act is amended by inserting the following after section 78.13:

“78.14. Where a site referred to in section 78.1 is situated in the territory of more than one municipality, the duties payable under section 78.2 are payable only once for all the municipalities concerned, which must enter into an agreement determining which municipality is responsible for enforcing the regime set up under this division for the site.

The agreement must also include criteria for the allocation of the sums collected, which must be modified to take into account any request made to one of the municipalities concerned under the first paragraph of section 78.13.

Subject to section 78.7, the duties may be collected once an agreement is entered into, and each municipality concerned pays a part of the sums it receives into the fund it established in accordance with this division.

If one of the municipalities concerned ascertains the existence of a disagreement that prevents the entering into or amending of an agreement, it may submit the dispute to the Commission municipale du Québec, whose decision is final. The third paragraph of section 78.13 applies to the decision.

“§6. — General provisions

“78.15. This division is binding on the State and its mandataries.”

36. Section 110.1 of the Act is amended

(1) by replacing “78.13” in the first paragraph by “78.15”;

(2) by adding “and act under section 78.13, even if it does not have jurisdiction over public roads” at the end of the second paragraph.

37. Section 110.2 of the Act is amended by adding the following paragraph after the third paragraph:

“The regional county municipality may abolish the regional fund by means of a by-law an authenticated copy of which must be sent to each local municipality in its territory not later than 1 October before the fiscal year for which the fund is abolished. As of the abolition, the sums paid into the fund are paid into the different funds of the municipalities concerned in accordance with the allocation criteria set out in the by-law adopted under the second paragraph or in an agreement or decision made under section 78.13 or 78.14.”

38. Section 126 of the Act is amended by replacing the third paragraph by the following paragraph:

“In addition to the sums provided for in article 14.16 of the Municipal Code of Québec (chapter C-27.1) and section 29.18 of the Cities and Towns Act (chapter C-19), the fund receives, in particular, the sums resulting from the application of an agreement under which the management of the mining of sand and gravel on land in the domain of the State is transferred to a municipality under article 10.5 of the Municipal Code of Québec or section 29.1.1 of the Cities and Towns Act.”

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

39. Section 99.1 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended

(1) by replacing “a by-law subject” in the first paragraph by “a resolution subject”;

(2) by striking out the second paragraph.

40. Section 115 of the Act is amended

(1) by replacing “, 85 or 99.1” in the first paragraph by “or 85, or a resolution under section 99.1,”;

(2) by replacing “of the by-law” in the first paragraph by “of the document”;

(3) by inserting “or the resolution” after “by-law” in the second paragraph;

(4) by replacing the third paragraph by the following paragraph:

“The by-law or the resolution must be approved by the Commission if an objection is filed within the 30-day period. Subject to section 115.1, if no objection is filed with the Commission within that period, a by-law under the first paragraph may be published to meet the publication requirement for its coming into force.”;

- (5) by inserting “or the resolution” after “by-law” in the fourth paragraph;
- (6) by replacing the fifth paragraph by the following paragraph:

“If, within 60 days after receiving the notice, the urban agglomeration council adopts a by-law amending the by-law for which approval was refused in order to render it compliant, the amending by-law need not be preceded by a notice of motion. Paragraphs 1 and 2 of section 61, section 62 and the right of objection under this section do not apply to a resolution or an amending by-law adopted within that period.”

41. Section 115.1 of the Act is amended

- (1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) orders a loan.”;

- (2) by replacing “the by-law” in the second paragraph by “a by-law referred to in the first paragraph or a resolution under section 99.1”.

42. Section 116.1 of the Act is amended

- (1) by inserting “a resolution under section 99.1 or to” after “objection to” in the first paragraph;

- (2) by replacing the third paragraph by the following paragraph:

“Once all the related municipalities have waived their right of objection to a by-law, it may be published to meet the publication requirement for its coming into force, even before the expiry of the period specified in the second paragraph of section 115.”

43. The Act is amended by inserting the following section after section 118.5:

“118.5.1. Contestation by a reconstituted municipality of an amount claimed by the central municipality does not exempt the reconstituted municipality from paying the amount while the contestation is pending.

If payment is not made within 90 days after receipt of a formal notice, the Commission municipale du Québec may, at the request of the central municipality, file a petition to have the reconstituted municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (chapter C-35).”

44. Section 118.10 of the Act is replaced by the following section:

“118.10. Section 115 is modified by replacing the first paragraph by the following paragraph:

“115. As soon as practicable after the adoption of a by-law under section 30, 37, 38, 39, 41, 47, 55, 56, 69, 118.3 or 118.4, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

45. Section 118.12 of the Act is replaced by the following section:

“118.12. Section 115 is modified by replacing the first paragraph by the following paragraph:

“115. As soon as practicable after the adoption of a by-law under section 22, 27, 30, 37, 38, 39, 41, 47, 55, 56, 69, 118.3 or 118.4, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

46. Section 118.39 of the Act is replaced by the following section:

“118.39. Section 115 is amended by replacing the first paragraph by the following paragraph:

“115. As soon as practicable after the adoption of a by-law under section 22, 27, 30, 34, 36, 37, 38, 39, 41, 47, 55, 56, 69 or 118.29, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

47. The Act is amended by inserting the following section after section 118.82:

“118.82.1. Contestation by a reconstituted municipality of an amount claimed by the central municipality does not exempt the reconstituted municipality from paying the amount while the contestation is pending.

If payment is not made within 90 days after receipt of a formal notice, the Commission municipale du Québec may, at the request of the central municipality, file a petition to have the reconstituted municipality declared in default in accordance with Division VI of the Act respecting the Commission municipale (chapter C-35).”

48. Section 118.95 of the Act, enacted by section 18 of chapter 19 of the statutes of 2008, is replaced by the following section:

“118.95. Section 115 is modified by replacing the first paragraph by the following paragraph:

“115. As soon as practicable after the adoption of a by-law under section 27, 30, 34, 36, 37, 38, 41, 47, 55, 56, 69, 118.80 or 118.81, or a resolution under section 99.1, an authenticated copy of the document is sent to the Commission municipale du Québec.””

ACT RESPECTING MUNICIPAL TAXATION

49. Section 243.7 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by adding “other than storage services in connection with the conservation of objects referred to in subparagraph 2.1 of the second paragraph of section 243.8” after “services” at the end of the second paragraph.

50. Section 243.8 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) the conservation of objects intended to be exhibited or presented as part of an activity described in subparagraph 1 or 2, other than the creation of a work in a field of artistic endeavour;”.

51. The Act is amended by inserting the following section after section 243.10:

“243.10.1. For the purposes of subparagraph 2.1 of the second paragraph of section 243.8, the conservation must be carried on by a person who also carries on one or more eligible activities described in subparagraph 1 or 2 of the second paragraph of that section.”

52. Section 244.40 of the Act is amended

(1) by replacing “2.00” in the first paragraph by “2.35”;

(2) by replacing “2.65” in subparagraphs 2, 3, 4 and 5 of the second paragraph by “3.15”;

(3) by replacing “2.25” in subparagraphs 6, 7, 8 and 9 of the second paragraph by “2.65”.

53. Section 244.43 of the Act is amended

(1) by replacing “80%” in the second paragraph by “70%”;

(2) by replacing “120%” in the third paragraph by “130%”.

54. Section 244.46 of the Act is amended by replacing “120%” in the second paragraph by “130%”.

55. Section 252 of the Act is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: “The council may, by by-law, determine that a debtor may pay in a greater number of instalments; the by-law shall set the latest date on which each instalment after the first must be paid, the proportion of the account that must be paid in each instalment, without, however, exceeding 50% in the case of the first instalment, and any other detail applicable to that payment option, including the application of a rate of interest on all instalments after the first.”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “The latest date on which a single payment or first instalment of municipal property taxes may be paid is the thirtieth day following the sending of the account; where the taxes may be paid in two instalments, the latest date on which the second instalment may be paid is the ninetieth day following the last day on which the first instalment may be paid.”;

(3) by replacing “generally applicable pursuant to the” in the fifth paragraph by “applicable under the first or”.

56. Section 253.31 of the Act is amended

(1) by replacing “Where” in the second paragraph by “Subject to the third and fourth paragraphs, where”;

(2) by inserting the following paragraphs after the second paragraph:

“Where the alteration referred to in the second paragraph is a combining of several whole units of assessment or business establishments and an adjusted value was established in accordance with section 253.30 or this section for at least one of the units or establishments, the adjusted value of the unit or establishment resulting from the combining is,

(1) if an adjusted value was established for each unit or establishment that was combined, the sum of the adjusted values; and,

(2) if an adjusted value was not established for each unit or establishment that was combined, the sum of the taxable value of each unit or establishment for which no adjusted value was established and the adjusted value of each unit or establishment for which an adjusted value was established.

However, if the taxable value of the unit or establishment resulting from the combining is different from the sum of the taxable values of the units or establishments that were combined, as those values were entered on the roll concerned immediately before the alteration took effect, the adjusted value of the unit or establishment resulting from the combining that is established under the third paragraph is deemed, for the purposes of the second paragraph, to be an adjusted value established prior to the alteration.”;

- (3) by striking out “, combines it with another,” in the fourth paragraph;
- (4) by replacing “the said” in the fourth paragraph by “a”.

57. Section 263 of the Act is amended, in paragraph 1,

(1) by replacing “prescribe the forms to be used in preparing the rolls and keeping them up to date, and the forms that are” by “prescribe the information to be collected and established for the purpose of preparing the rolls and keeping them up to date, the form in which it must be sent to a person who is entitled to obtain it under the law and the information that is”;

(2) by replacing “to transmit to him, free of charge, a copy of the summary of the roll in the cases and according to the rules determined by him; require the assessor to obtain the approval of the Minister for any computer-drawn equivalent of a prescribed form and establish the conditions of the approval; prescribe the computer-drawn equivalent of any form or part thereof” by “to transmit to the Minister, free of charge, the information included in the summary of the roll in the cases and according to the rules determined by the Minister”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L’INNOVATION ET DE L’EXPORTATION

58. Section 96 of the Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01) is amended by replacing “county.” at the end by “county; the same is true of the Cree Regional Authority established under the Act respecting the Cree Regional Authority (chapter A-6.1).”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

59. Section 210.3.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “or at the request of a municipality governed by the Cities and Towns Act, order that it be governed by the Municipal Code of Québec” after “Cities and Towns Act (chapter C-19)”.

60. Section 210.3.2 of the Act is amended by inserting “clerk or” after “The”.

61. Section 210.3.3 of the Act is amended by inserting “clerk or” after “The” in the first paragraph.

62. Section 210.3.10 of the Act is amended by replacing the second paragraph by the following paragraph:

“The change of legislative authority takes effect from the date of publication of the notice or from any later date given in the notice, subject to any condition prescribed by the Minister.”

63. Section 210.3.11 of the Act is amended by replacing “(chapter C-19), the clerk” by “(chapter C-19) or the Municipal Code of Québec (chapter C-27.1), the clerk or secretary-treasurer”.

64. Section 210.3.12 of the Act is amended by adding the following sentence at the end of the second paragraph: “An application for a change of legislative authority by a municipality governed by the Cities and Towns Act (chapter C-19) that is not accompanied by an application for a change of name in which “Ville” is replaced by another word is also inadmissible.”

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

65. Section 63.0.5 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), amended by section 95 of chapter 18 of the statutes of 2008, is again amended

(1) by inserting the following paragraph after the first paragraph:

“Every person who is a member of the council of a northern village that is a party to this plan in that person’s respect may obtain pension credits equivalent to those granted under this plan for all or part of any year subsequent to 31 December 2001 during which the person was a member of the council of that municipality and did not participate in this plan. Section 17 and the first paragraph of section 58 apply to the determination of the pensionable salary in relation to the years or parts of a year redeemed in accordance with this paragraph.”;

(2) by inserting “or second” after “first” in the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“The third paragraph also applies, with the necessary modifications, with regard to the vice-chairman of the executive committee of the Kativik Regional Government, and in particular with regard to a period referred to in the first or second paragraph and with reference to the third paragraph of section 280.2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).”

66. Section 63.0.6 of the Act is amended by inserting “or vice-chairman” after “chairman” in the first and second paragraphs.

67. Section 63.0.7 of the Act is replaced by the following section:

“63.0.7. The pensionable salary for the purposes of a redemption under this chapter for a year prior to 1 January 2002 is deemed to be the pensionable salary the person was receiving on 1 January 2001, calculated on an annual basis.”

68. The Act is amended by inserting the following section after section 63.0.7:

“63.0.7.1. The annual indexation provided for in section 30 of any pension credit obtained under this chapter applies only from 1 January 2002.”

FIRE SAFETY ACT

69. Section 24 of the Fire Safety Act (R.S.Q., chapter S-3.4) is replaced by the following section:

“24. The fire safety cover plan adopted by the council of the regional authority comes into force on the ninetieth day after the regional authority receives the certificate of compliance issued by the Minister, or at an earlier date set by the regional authority.

A notice specifying the date of coming into force of the fire safety cover plan must be published in a newspaper in the territory of the regional authority.

If the notice is not published before the date of coming into force of the fire safety cover plan, the regional authority and the municipalities that are part of it shall bear the costs of a liability suit to which section 47 applies and that is brought against them with respect to an event that occurred before the notice was published, even if they are exempt from liability under that section.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

70. Section 95 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by replacing the second paragraph by the following paragraph:

“In the case of a construction, supply or services contract, the call for public tenders must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the transit authority’s area of jurisdiction or a publication specialized in the field and sold mainly in Québec.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

71. Section 14 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting the following paragraph after paragraph *b* of subsection 1:

“(b.1) the date of the first general election and the calendar year in which the second general election is to be held;”.

72. Section 31 of the Act is amended by replacing “two” in subsection 2 by “three”.

73. Section 66 of the Act is amended

(1) by replacing “in every odd-numbered year” in the first paragraph by “every three years”;

(2) by striking out the second and third paragraphs.

74. Section 204 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory of the municipality or a publication specialized in the field and sold mainly in Québec.”

75. Section 280 of the Act is replaced by the following section:

“280. The chairman and the vice-chairman must devote all their time to the service of the Regional Government and may not have any other remunerative employment or occupation or hold any other public office, except as councillor of the municipality they represent or mayor of the Naskapi village of Kawawachikamach.”

76. Section 280.1 of the Act is replaced by the following section:

“280.1. The designation of a person other than the mayor of the Naskapi village of Kawawachikamach to the office of chairman or vice-chairman of the executive committee entails the loss of the person’s office as regional councillor.

If the person so designated is the mayor of a northern village, the designation also entails resignation from that office. However, despite any inconsistent legislative provision, the person remains a member of the council strictly in the capacity of chairman or vice-chairman; the person is entitled to one vote and may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

If the person so designated is the municipal councillor of a northern village, the person remains on the council as chairman or vice-chairman and is entitled to one vote. If the person resigns as municipal councillor, that person may again be designated as chairman or vice-chairman, as the case may be, without first having to be elected to a municipal council.

The term of office of the chairman or vice-chairman is three years from the date of appointment or until the date of appointment of a successor, if earlier; if the successor is appointed only after the expiry of the three-year period, the chairman or vice-chairman remains in office despite the expiry of the term of office.”

77. Section 280.2 of the Act is amended by adding the following paragraph after the second paragraph:

“The first two paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.”

78. Section 280.3 of the Act is amended by adding the following paragraph after the third paragraph:

“The first three paragraphs also apply, with the necessary modifications, in respect of the vice-chairman of the executive committee.”

79. Section 296.2 of the Act is amended by inserting “or vice-chairman” after “chairman” in the third paragraph.

80. Section 296.6 of the Act is amended by replacing “transmit to the Regional Government” by “publish in the *Gazette officielle du Québec*”.

81. Section 358 of the Act is amended by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders relating to a construction, supply or services contract involving an expenditure of \$100,000 or more must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies (2006, chapter 29) and in a newspaper in the territory or a publication specialized in the field and sold mainly in Québec.”

82. Section 382 of the Act is amended by replacing “1 December” by “15 December”.

83. Section 383 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“383. The budget must be adopted by the council not later than 31 December at a special meeting called for that purpose.”;

(2) by replacing the second paragraph by the following paragraph:

“The budget must be sent to the Minister within 60 days after its adoption by the council.”;

(3) by replacing the third paragraph by the following paragraph:

“If the council is not able to adopt the budget within the applicable period, it shall set the date of the meeting at which the budget is to be adopted. That date must allow compliance with the requirement under section 269 as to the notice of convocation for the meeting. As soon as possible after the adoption of the resolution by which the council sets the date, the secretary shall send a certified true copy to the Minister.”

OTHER AMENDING PROVISIONS

84. Section 95 of the Act to amend various legislative provisions respecting municipal affairs (2008, chapter 18) is repealed.

85. In any Act, the words “des Affaires municipales et des Régions” and “of Municipal Affairs and Regions”, wherever they appear, are replaced by the words “des Affaires municipales, des Régions et de l’Occupation du territoire” and “Municipal Affairs, Regions and Land Occupancy” respectively, with the necessary modifications.

Unless the context indicates a different meaning, in any other document,

(1) a reference to the Minister or Deputy Minister of Municipal Affairs and Regions is a reference to the Minister or Deputy Minister of Municipal Affairs, Regions and Land Occupancy and a reference to the Ministère des Affaires municipales et des Régions is a reference to the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire; and

(2) a reference to the Act respecting the Ministère des Affaires municipales et des Régions or to any of its provisions is a reference to the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire or to the corresponding provision of that Act.

86. Section 30 of Order in Council 1202-2001 dated 10 October 2001, concerning the amalgamation of Municipalité d’Adstock and Village de Sainte-Anne-du-Lac, is repealed.

87. Section 38 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, amended by section 68 of Order in Council 1003-2006 dated 2 November 2006, section 33 of chapter 33 of the statutes of 2007 and section 122 of chapter 18 of the statutes of 2008, is again amended by replacing the first paragraph by the following paragraph:

“38. The property listed in Schedules I, J and K to the report of 5 October 2005 of the transition committee of the urban agglomeration of Longueuil, as amended by Resolution 05-12-01 passed by the committee on 2 December 2005, by the report by Roger Lachance dated 28 September 2007

and given to the Minister of Municipal Affairs and Regions, and by Resolutions 080318-57, 080520-32 and 2008-09-322, passed on 18 March 2008, 20 May 2008 and 10 September 2008, respectively, by the councils of Ville de Boucherville, Ville de Saint-Bruno-de-Montarville and Ville de Saint-Lambert, and the property listed in Schedules 1*b* to 13 to the Agreement of the transition committee of the urban agglomeration of Longueuil, to which Resolution 05-12-07 passed on 22 December 2005 by the transition committee refers, becomes the property of the reconstituted municipalities as provided in those schedules.”

MISCELLANEOUS PROVISIONS

88. The Minister of Natural Resources and Wildlife is authorized to transfer to Daniel Breen or his successors, for a nominal price, the ownership of subdivisions 2, 3, excluding lot 19-3-1, and 4 of Block 19 of the cadastre of the township of Dasserat.

The reservation of ownership and the prohibition against erecting buildings or carrying out work on the land adjacent to the boundary line between Québec and Ontario set out in section 46 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) do not apply to the sale.

89. In any by-law respecting truck, equipment transport vehicle and tool vehicle traffic adopted by the council of a municipality under subparagraph 5 of the first paragraph of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2),

(1) despite the definition that may be found in such a by-law, “truck” means a truck within the meaning of the Regulation respecting road signs made by the Minister of Transport by a Minister’s Order dated 15 June 1999 (1999, G.O. 2, 1642); and

(2) any reference to an equipment transport vehicle is deemed unwritten, including a definition of such a vehicle.

The by-law must be read taking into account the adaptations required by the amendments made by the first paragraph.

The first two paragraphs cease to have effect with regard to a by-law on the coming into force of an amendment to the same effect adopted by the council of the municipality in accordance with the Highway Safety Code.

90. On application by Ville de Montréal, the Lieutenant-Governor may issue letters patent under the Great Seal of the Province, on the conditions set out in the letters patent, constituting a non-profit body which continues, under Chapter V of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), the Société d’habitation et de développement de Montréal constituted by letters patent issued on 1 January 2007 under the Companies Act (R.S.Q., chapter C-38).

The second and third paragraphs of section 224 of Schedule C to the Charter of Ville de Montréal apply to the letters patent issued under the first paragraph.

All the rights, property and obligations of the Société referred to in the first paragraph become the rights, property and obligations of the body constituted under the first paragraph, which becomes, without continuance of suit, a party to all proceedings in the place of the Société.

No act performed by the Société d'habitation et de développement de Montréal constituted as a legal person under Part III of the Companies Act by letters patent issued on 24 November 2006, by the Société de développement de Montréal constituted as a legal person under Part III of the Companies Act by letters patent issued on 27 November 2006, or by the legal person resulting from their amalgamation under that Act by letters patent issued on 1 January 2007 may be invalidated by reason of their constitution or amalgamation under that Act.

TRANSITIONAL AND FINAL PROVISIONS

91. The division of the territory of Municipalité des Îles-de-la-Madeleine into electoral districts for the purposes of the 2009 general election and any by-election held before the 2013 general election is the division that applied for the purposes of the 2005 general election.

92. The division of the territory of Ville de Chandler into electoral districts for the purposes of the 2009 general election and any by-election held before the 2013 general election is the division that applied for the purposes of the 2005 general election. Every district has one councillor except the district of Chandler, which has two councillors.

93. Any process for awarding contracts in progress on 30 June 2009 under a provision amended by this Act is continued in accordance with that provision as it read before the amendment.

94. A municipal by-law adopted under section 252 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and in force on (*insert the date of assent to this Act*) continues to apply until amended under that section 252 as amended by section 55. During the amendment period, that section 252 continues to apply, as it read before being amended, in respect of the by-law.

95. A regulatory provision made under paragraph 1 of section 263 of the Act respecting municipal taxation continues to apply, as it read on (*insert the date before the date of assent to this Act*), until it is amended or replaced in accordance with the amendments made under section 57.

96. Section 24 of the Fire Safety Act (R.S.Q., chapter S-3.4), as replaced by section 69 of this Act, applies to fire safety cover plans duly adopted before (*insert the date of assent to this Act*) but in respect of which no notice was published in a newspaper in the territory concerned.

Fire safety cover plans duly adopted before (*insert the date of assent to this Act*), in respect of which a notice was published more than 60 days after the issue of a certificate of compliance or for which the date of coming into force set out in the notice is after the sixtieth day following that issue, are deemed to have come into force on that sixtieth day. However, the regional authority and the municipalities that are part of it must bear the costs of a liability suit to which section 47 of that Act applies and that was instituted before (*insert the date of introduction of this bill*).

97. The assessment roll for Ville de Clermont, in force since the beginning of the fiscal year 2008, remains in force until the end of the fiscal year 2011. The latter year is considered to be the third year of application of that roll.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act respecting municipal taxation, the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2009, 2010 and 2011.

98. Sections 32 to 37 have effect from 1 January 2009.

99. Sections 39 and 40, paragraph 2 of section 41 and sections 42, 44 to 46 and 48 have effect from 14 December 2006.

100. Section 56 applies for the purposes of every property assessment roll or roll of rental values that comes into force after 31 December 2009.

101. Section 86 has effect from 1 January 2009.

102. Section 87 has effect from 1 January 2006.

103. This Act comes into force on (*insert the date of assent to this Act*), except

(1) sections 19, 25, 27, 29, 70, 74 and 81, which come into force on 30 June 2009;

(2) sections 52 to 54, which come into force on 1 January 2010;

(3) section 72 and paragraph 1 of section 73, which come into force on 4 November 2009; and

(4) section 89, which comes into force on the date to be set by the Government.

